



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 22, 1994

Ms. Karen Hendershot Bailey
Sr. Assistant City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR94-739

Dear Ms. Bailey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 28438.

The City of Victoria (the "city") received a request from a former employee of the city's emergency medical service for "all of [the requestor's] personal files including notes, documents, and seminar materials retained by" the city. You have submitted four documents for our review. You claim that portions of the documents are excepted from required public disclosure under section 552.101 of the Government Code.


Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The city claims that section 773.091(b) of the Health and Safety Code excepts some of the submitted information from required public disclosure. Section 773.091(b) provides the following:

Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

The city further claims that none of the exceptions provided in chapter 773 of the Health and Safety Code apply to the requested information. We agree. We have reviewed the

documents and have found information subject to the confidentiality provision cited above. For your convenience, we have marked the information that must be withheld under section 773.091(b) of the Health and Safety Code. The remaining information must be released to the requestor. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Loretta R. DeHay". The signature is fluid and cursive, with the first name "Loretta" being more prominent and the last name "DeHay" following in a similar style.

Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/LBC/rho

Ref.: ID# 28438

Enclosures: Marked documents

cc: Mr. Norman D. Jones
Attorney at Law
106 North Main, Suite 100
Victoria, Texas 77901
(w/o enclosures)